

No. 05-77034

IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**STANLEY WILLIAMS,**

Petitioner,

v.

**S.W. ORNOSKI, Warden, San Quentin  
State Prison, San Quentin, California,**

Respondent.

**SUPPLEMENTAL EXCERPTS OF RECORD  
(VOLUME II OF III)**

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1           You do solemnly swear that the testimony you may give  
2 in the cause now pending before this Court shall be the truth,  
3 the whole truth, and nothing but the truth, so help you God.

4           THE WITNESS: I do.

5           THE CLERK: Be seated in the witness box. State your name  
6 and spell your last name.

7           THE WITNESS: Alfred Coward, C-o-w-a-r-d.

8  
9                                   DIRECT EXAMINATION

10          BY MR. MARTIN:

11           Q     Mr. Coward, do you have a nickname?

12           A     Yes.

13           Q     What is that?

14           A     Blackie.

15           Q     And I want you to go back to February 27th, a  
16 Tuesday, in 1979. Were you living at home at that time?

17           A     Yes.

18           Q     And sometime in the afternoon, did you see a person  
19 -- or, in the evening -- by the name of Stanley Williams?

20           A     Yes.

21           Q     Showing you what has been marked People's 1A for  
22 Identification, do you recognize that person?

23           A     Yes.

24           Q     And who is that?

25           A     Stanley Williams.

26           Q     Showing you the diagram People's 66, is the general  
27 location of your home on the 27th of February, 1979, is that  
28 shown within the map of this diagram People's 66?

1 A Yes.

2 Q And where would that be?

3 Could you indicate by drawing a circle and putting an  
4 "H" in there for "home"? Approximately.

5 (Witness complies.)

6 Q That's where "H" is there already?

7 A Yeah.

8 Q Okay; fine.

9 Now, about what time did you see Stanley Williams?

10 A About ten-thirty.

11 Q Would that be at night?

12 A At night.

13 Q And what do you call Stanley Williams?

14 A Tookie.

15 Q Did he come to visit you?

16 A Yeah.

17 Q About how long did he stay? Minutes? Hours? What?

18 A A few minutes. Not long.

19 Q Was he by himself? or was he with somebody else?

20 A He was with somebody else.

21 Q Who was he with?

22 A Darryl.

23 Q And then did there come a time when you left your  
24 home?

25 A Yes; we left.

26 Q You say "we left". Who was "we"?

27 Who are the people?

28 A Me, Darryl, Tookie.



1 Q Did you go in an automobile?

2 A Yes; we did.

3 Q In one automobile? or two?

4 A In one.

5 MR. BROADY: Your Honor, I can't hear the witness. May he  
6 pull the microphone up?

7 THE COURT: Yes. Would you pull it up.

8 THE WITNESS: In one.

9 Q BY MR. MARTIN: In what kind of a car was that?

10 A A station wagon.

11 Q Did you have the use of a car at that time?

12 A Yes.

13 Q What kind of a car was that?

14 A '69 Cadillac.

15 Q Where did you sit in the station wagon?

16 A In the back seat.

17 Q Where did Mr. Williams -- Stanley -- Tookie Williams  
18 sit?

19 A In the front passenger seat.

20 Q Who was driving?

21 A Darryl.

22 Q Is this all there was? -- the three of you?

23 A Yes.

24 Q And where did you drive to?

25 A We left and went on 140th and Saint Andrews.

26 Q What, if anything, did you do at 140th and Saint  
27 Andrews?

28 A Sat in the car. Stanley Williams went to the door

1 and went in and came back out.

2 Q When he came back out, did he get -- re-enter the  
3 car?

4 A Yes; he did.

5 Q Station wagon?

6 A Yes.

7 Q And then did the station wagon leave?

8 A Yes.

9 Q Where did you go this time?

10 A On 97th and Vermont.

11 Q When you reached 97th and Vermont, did the car stop?  
12 Station wagon?

13 A Yes.

14 Q Did anybody get out?

15 A Stanley Williams.

16 Q How long was he gone?

17 A Three to five minutes.

18 Q When he came back, did you see anything in his hands?

19 A No.

20 Q Up to this time, had you seen any weapons?

21 A No.

22 Q Did you eventually leave that location?

23 A Yes; we did.

24 Q And where did you go?

25 A Back over to my house.

26 Q How long did you stay there?

27 A A minute or two.

28 Q Did you see anybody else besides Darryl and Stanley --

1 Tookie Williams?

2 A No.

3 Q Then did you leave your home?

4 A Yes.

5 Q Where did you go this time?

6 A On 111th and Normandy.

7 Q How many cars went there?

8 A Two.

9 Q Did you drive your car?

10 A Yes.

11 Q Was anybody with you?

12 A No.

13 Q Who was in the station wagon?

14 A Darryl and Tookie.

15 Q And what's the address that you went to?

16 A I don't know.

17 Q Was it some blocks away from your home?

18 A Not too many.

19 Q And did you see somebody there?

20 A Yes; we did.

21 Q Who was that?

22 A Some friends of Tookie's.

23 Q How long did you remain at that location?

24 A Maybe ten or fifteen minutes.

25 Q And then did both cars leave?

26 A Yes.

27 Q Where did you go this time?

28 A Oh, Colden and Vermont.

1 Q And what or whom did you see then?

2 A Some more people.

3 Q And how long did you remain there?

4 A Fifteen, twenty minutes.

5 Q Do you know a person by the name of Tony Sims?

6 A Yes.

7 Q And do you see him here in the courtroom today?

8 A Yes; I do.

9 Q Where is he seated?

10 A At the table to my right.

11 THE COURT: Let the record show the witness has indicated  
12 the defendant Mr. Tony L. Sims.

13 Q BY MR. MARTIN: Up to this time, had you seen  
14 Mr. Sims?

15 A Yes.

16 Q Where did you see him?

17 A In the county jail.

18 Q No; I mean -- I'm now referring to the 27th of  
19 February, now, where the three of you -- you're now in your car,  
20 and Darryl and Stanley Williams is in the station wagon.

21 A After we left Colden and Vermont, we went down  
22 Hoover over to Tony Sims' house.

23 Q Okay. How long did you remain there?

24 A Maybe ten minutes.

25 Q Did you go into Tony Sims' house?

26 A No. I went, knocked on the door, and he came outside.

27 Q Okay. Did he come out?

28 A He came outside.

1 Q Did you have a conversation with him?  
2 A Yeah; said a few words to him.  
3 Q What was the subject of that conversation?  
4 A I asked him did he want to go out to Pomona.  
5 Q What did he say?  
6 A He said yeah, but he had to be back early.  
7 Q Who did Tony Sims drive with?  
8 A He drove with me.  
9 Q And who was in the other station wagon?  
10 A Darryl and Tookie.  
11 Q Then did you leave that location of Tony Sims' home?  
12 A Yes; we did.  
13 Q And where did you go?  
14 A We went on back on 111th Street.  
15 Q Do you know what the purpose of going there was?  
16 A Get a Sherman.  
17 Q When you got to 111th Street, were there any  
18 Shermans?  
19 A Yes; there was.  
20 Q Okay. How many people were present, and who were  
21 they?  
22 A Me and Tony, Darryl and Tookie.  
23 Q Now, when you say "Shermans", are you referring to  
24 Sherman, the type of Sherman cigarette?  
25 A Yes.  
26 Q And how many cigarettes were there?  
27 A Maybe one.  
28 Q And did everybody take a puff off the Sherman?

1           A     No.     Everybody except Darryl.

2           Q     Okay.   How long did you remain there on 111th Street?

3           A     Ten or fifteen minutes.

4           Q     Okay; and then was there any conversation as to  
5 your next destination?

6           A     There was conversation about going to -- out towards  
7 Pomona.

8           Q     Now, up to the time you got to 111th Street, did you  
9 see any weapons?

10          A     Yes.

11          Q     Showing you what has been marked People's 8 for  
12 Identification, do you recognize that gun?

13          A     Yes.

14          Q     And had you seen that gun up to the time you go to  
15 111th Street?

16          A     Yes.

17          Q     Who had that?

18          A     Darryl had it at one time.   Stanley Williams had it  
19 at another time.

20          Q     Okay.   Did you see any other weapons?

21          A     Saw the .22.

22          Q     What kind of a .22?

23                A revolver? or rifle?

24          A     Revolver.

25          Q     Who had that?

26          A     Stanley Williams.

27          Q     Did you see it in the hands of anybody else besides  
28 Stanley Williams?

1 A No.

2 Q When you left 111th Street, where did you go?

3 A Down Normandy to Century.

4 Q And from Century, where did you go?

5 A Got to Harbor Freeway.

6 Q And which way did you go on the Harbor Freeway?

7 A North.

8 Q Did you go towards the city of Los Angeles?

9 A Towards downtown.

10 Q Yeah; okay. And did there come a time when you got  
11 off the Harbor Freeway?

12 A Yes. We got off and got on San Bernardino.

13 Q Okay. And then from there, where did you go?

14 A Down the Pomona Freeway.

15 Q Pomona Freeway to where?

16 A To the 605.

17 Q Okay. Which car was in front?

18 A Station wagon.

19 Q And were you following the station wagon?

20 A Yes.

21 Q What's the color of your Cadillac?

22 A Brown and beige.

23 Q What's the color of the station wagon?

24 A Dark brown.

25 Q Is it a two-door? or four-door?

26 A Four-door.

27 Q And is it an older car? or a newer car?

28 A Older.

- 1 Q Who was driving the station wagon?
- 2 A Darryl.
- 3 Q After you got on the 605 Freeway, did you go south?
- 4 A Yes.
- 5 Q And did there come a time you got off?
- 6 A We got off and got on another freeway.
- 7 Q You're talking about when you got off the Pomona
- 8 Freeway, then you got onto the 605 Freeway; is that correct?
- 9 A Yes.
- 10 Q And did you stop any place?
- 11 A Yes. We got off and stopped at a restaurant.
- 12 Q Okay. What happened at the restaurant.
- 13 A Darryl went in the restaurant.
- 14 Q Okay. And what did you do?
- 15 A Parked in the parking lot.
- 16 Q And who was in the car with you?
- 17 A Tony Sims.
- 18 Q And where was Stanley Williams?
- 19 A He was in the station wagon.
- 20 Q He was in the station wagon?
- 21 A Yeah.
- 22 Q Okay. What was the purpose for stopping at the
- 23 restaurant? Do you know?
- 24 MR. BROADY: Calls for a conclusion. Objection.
- 25 THE COURT: I beg your pardon?
- 26 MR. BROADY: Calls for his conclusion. He said Darryl
- 27 went inside the restaurant.
- 28 Objection.



1 THE COURT: Objection to the form of the question is  
2 sustained.

3 Q BY MR. MARTIN: Did you have any conversation prior to  
4 stopping at the restaurant with Stanley Williams?

5 A Yes; but I don't remember what it was.

6 MR. BROADY: Your Honor, this witness is dropping his  
7 voice very critically.

8 Could the reporter read --

9 THE WITNESS: Yes; but I don't remember what it was.

10 THE COURT: Yes; would you please speak up in the micro-  
11 phone.

12 Q BY MR. MARTIN: Did you have any conversation with  
13 Tony Sims before you stopped at the restaurant?

14 A Yes; but I don't remember what it was.

15 Q Okay. When you were stopped at the restaurant, did  
16 you talk with Tony Sims?

17 A No.

18 Q Okay. Did there come a time when Darryl came back  
19 out of the restaurant?

20 A Yes. He stayed in there about three minutes.

21 Q Uh-huh. And when he came out, did he say anything?

22 A He said something about cook had a gun.

23 Q The cook had a gun?

24 A Yeah.

25 Q Okay. Then did the both --

26 MR. BROADY: Just a minute, please. I'd ask the Court to  
27 strike that conversation on the ground it's hearsay.

28 THE COURT: Well --

1 MR. MARTIN: Trying to prove up here, your Honor, a  
2 conspiracy of four people here; and, if the People are able to  
3 do that, then we would say that this would be an exception to  
4 the hearsay rule. As to the co-conspiracies, hearsay exception  
5 in that it's during the course of the conspiracy and it's in  
6 furtherance of that conspiracy.

7 THE COURT: Well, the Court will overrule the objection,  
8 but will allow this in only for the nonhearsay purpose it's  
9 not being offered to prove, in fact, the cook had a gun, but  
10 the fact it was spoken.

11 The objection is sustained in regard to offering it  
12 for all purposes. It's just admitted for the nonhearsay purpose.

13 MR. MARTIN: Thank you, your Honor.

14 Q Did both cars then leave the restaurant area?

15 A Yes.

16 Q Did you return to the 605 Freeway?

17 A Yes.

18 Q And did you continue the same direction as you were  
19 going before?

20 A Yes; we did.

21 Q And then did you get off the freeway again?

22 A Yes.

23 Q Where was that?

24 A On Whittier Boulevard.

25 Q And which car was in front?

26 A Station wagon.

27 Q Were you following the station wagon?

28 A Yes.

1 Q Tony Sims still with you?

2 A Yes.

3 Q Which way did you go on Whittier Boulevard?

4 A Came under underpass under the freeway and went --

5 Q Let me ask you this: Did you go right -- or, I mean,  
6 left, or east? or did you go back towards Los Angeles?

7 A Went east.

8 Q You went east.

9 And you went about how far east on Whittier Boulevard,  
10 approximately?

11 A Maybe four or five blocks.

12 Q And did you stop at all?

13 A Yes. We stopped at a store, a liquor store.

14 Q The market open? -- the liquor store open?

15 A Yes; it was.

16 Q Where did you pull your car?

17 A Right in front of the liquor store.

18 Q All right. Showing you what has been marked People's  
19 63 for Identification, would you look at this photograph here  
20 and, particularly, down the right-hand corner.

21 Do you recognize that area?

22 A Yes. I pulled in -- came up right here.

23 THE COURT: Could you speak a little louder, please?

24 THE WITNESS: I pulled in and came up right here.

25 Q BY MR. MARTIN: Where it says "C"?

26 A Yes.

27 A And where did the station wagon go?

28 A About right here.

1 Q And you're pointing to what is now a van in this  
2 picture, parked in front of the building?

3 A Yes; but it didn't pull all the way up.

4 Q Was it facing in? or was it backed in?

5 A Facing in.

6 Q And which way was your car facing?

7 A Facing towards the store.

8 Q Facing towards the store?

9 Did anybody get out?

10 A Darryl got out the station wagon; Tony got out the car.

11 Q What did they do?

12 A They went in the liquor store.

13 Q How long were they in the liquor store?

14 A Maybe three minutes.

15 Q And then did Tony Sims come back out to your car?

16 A Yes.

17 Q What about Darryl? What did he do?

18 A He came back out and got in the station wagon.

19 Q From the time Tony Sims got out, to the time he  
20 came back, did you see a weapon?

21 A No.

22 Q Okay. After Tony Sims came back, did he get in your  
23 car?

24 A Yes; he got in my car.

25 Q Were you still driving your car?

26 A Yes.

27 Q And who was driving the station wagon?

28 A Darryl was driving.

1 Q Okay. And did you then leave that location?

2 A Yes.

3 Q Did you go on Whittier Boulevard?

4 A Yes; we did.

5 Q How was Tony Sims dressed?

6 A He had a green jogging suit on with a cap.

7 Q And how was Stanley Williams dressed?

8 A In dark pants and long overcoat, dark shirt.

9 Q How was -- Did he have any hat on?

10 A No; I don't think so.

11 Q How was Darryl dressed?

12 A Jeans and a corduroy jacket.

13 Q And how were you dressed?

14 A Jeans and a dark jacket.

15 Q Approximately what time was it when you were at this  
16 liquor store here on Whittier Boulevard?

17 A Sometime after three.

18 Q All right. Then as you proceeded on Whittier  
19 Boulevard, did you make another stop?

20 A Yes. We drove down past another liquor store, pulled  
21 on a side street and stopped.

22 Q Showing you what has been marked People's 62 for  
23 Identification, where it says 7-Eleven, the sign, do you  
24 recognize that area, the photograph where that sign is?

25 A Yes.

26 Q Okay. Now, when you say you went past and pulled  
27 into a side street, are you referring to going towards the  
28 freeway?

1 A Yes; I am.

2 Q And where did you with your car now -- First of  
3 all, were you still following the station wagon?

4 A Yes; I was still following the station wagon.

5 Q Where did the station wagon go?

6 A Pulled down here, around this corner.

7 Q Where the arrow points?

8 A Yes.

9 Q And it kept on going?

10 Did it ever return on that street?

11 A Yes; we pulled into a side street, turned around, and  
12 came back.

13 Q Came back where the arrow is?

14 A Towards --

15 Q Whittier Boulevard?

16 A Yes; came back.

17 Q Now, when you say "came back", you're indicating  
18 you made a left turn, or you're going east on Whittier Boulevard?

19 A Yes. We made a left on Whittier and made a left  
20 in the liquor store.

21 Q Into the entrance of the liquor store?

22 A Yes.

23 Q Now, where did you put your car?

24 A I pulled around here on the side of the street.

25 Q About where it says "C" here?

26 A Yes; right here.

27 Q And where did the station wagon go?

28 A Right in front of the door to the right, somewhere --

1 Q Where it says "SW"?

2 A Yes; to the right.

3 Q Right-hand side of the door?

4 A Yes.

5 Q Now, prior to getting there, did the cars ever come  
6 side by side as you were driving down the street?

7 A Yes.

8 Q Okay. When that happened, were you driving your car?

9 A Yes.

10 Q And where was the station wagon with regard to where  
11 you were seated behind the wheel?

12 Was it to your left? or to your right?

13 A To my right.

14 Q Off on the other side?

15 A Yes.

16 Q Okay. Was there any conversation?

17 A Yes.

18 Q Who was that conversation -- Who started it? Who  
19 said something?

20 A Tookie said something.

21 Q Was your window down?

22 A No. The passenger window was down.

23 Q And was Tony Sims in the passenger seat?

24 A Yes.

25 Q Who was driving the station wagon?

26 A Darryl.

27 Q And then Stanley Williams was sitting next to him?

28 A Yes.

1 Q And did Stanley Williams say something out the  
2 driver's window of his car?

3 A Yes.

4 Q What did he say?

5 MR. BROADY: Hearsay; objection on this ground.

6 THE COURT: Objection overruled.

7 THE WITNESS: He asked Tony what happened when he went in  
8 the liquor store.

9 Q BY MR. MARTIN: What, if anything, did Tony say?

10 A He said, "Darryl --" He said, "Darryl didn't pull  
11 out the gun."

12 Q And what, if anything, did Williams say?

13 A He said the next store -- this next store, everybody  
14 was going in.

15 Q Okay. Did Tony Sims say anything?

16 A I don't remember.

17 Q Did you say anything?

18 A No.

19 Q Did anybody else say anything?

20 A I don't remember.

21 Q Okay. After you arrived, then, at the 7-Eleven, the  
22 cars parked the way you have showed that they were parked on  
23 the diagram, People's 62, did anybody get out of either one of  
24 the cars?

25 A Yes.

26 Q Which person got out first?

27 A I think Darryl got out first.

28 Q Of the station wagon?



1 A Yes.

2 Q Then who got out?

3 A Tony Sims got out of my car.

4 Q And who was the next person out?

5 A I was.

6 Q And then who was the last person?

7 A Stanley Williams.

8 Q Okay. Now, did you see anybody in the -- either  
9 inside or outside the 7-Eleven store?

10 A Yes.

11 Q Who did you see?

12 A A guy sweeping up paper.

13 Q Okay. What race was that person?

14 A He was white.

15 Q About how tall would you say that person was?

16 A Maybe five-nine; five-eight, five-nine.

17 Q Showing you the clothing as shown on People's 52,  
18 People's 12, and People's 51, would you look at it -- go ahead  
19 -- the clothing and see if you recognize any of that?

20 A Yes. I remember he had some sort of dark pants and a  
21 light jacket.

22 Q Okay. Showing you what has been marked People's 56,  
23 would you look at the items that are on the hood of that car?

24 Also on People's 11.

25 Does that look familiar at all to you?

26 A Yes. I remember he had a broom and something else in  
27 his hand.

28 Q Okay. Did you ever see the broom and the dustpan put

1 on the car?

2 A Yes.

3 Q Okay. Do you know who put that there?

4 A He did.

5 Q Now, what were the order of the people? Who was the  
6 closest to the fellow in the dark pants and the light jacket,  
7 the white male?

8 A Me and Stanley Williams.

9 Q Okay. At this time, where was Tony Sims?

10 MR. BROADY: That's ambiguous. Object on that ground.

11 THE COURT: Objection is sustained. Rephrase the  
12 question.

13 MR. MARTIN: All right.

14 Q Who was the first one to walk towards the door?

15 A Darryl.

16 Q Darryl.

17 Who was the second one?

18 A Tony.

19 Q Okay. And did you see them, either one of those,  
20 reach the door?

21 A Yes.

22 Q When Tony Sims reached the door, where were you?

23 A I was outside in the parking lot.

24 Q Where was the white male?

25 A He was putting the dustpan and broom on top of the  
26 car.

27 Q And where was Stanley Williams?

28 A He was just getting out the car.

1 Q And did Stanley Williams still have on his long coat?

2 A Yes.

3 Q And where did he have his arms?

4 A Straight down by his side.

5 Q And could you demonstrate for the Court how he was  
6 walking?

7 Can you get down from your chair?

8 (Witness complies.)

9 A He just walked with his arm straight down by his side

10 Q Okay. Now, before -- strike that.

11 Could you see his arms swinging back and forth? or  
12 did they stay close to his side?

13 A They stayed straight down by his side.

14 Q Okay. Did you say anything to the white male?

15 A No.

16 Q Did Tony Sims say anything to him?

17 A No.

18 Q Did Stanley Williams?

19 A Not outside the store.

20 Q Okay. Well, did the white male say anything to you?

21 A No.

22 Q Okay. What occurred at that point?

23 MR. BROADY: Well, again, your Honor, that's critical;  
24 sounds ambiguous. Again, object on that ground.

25 THE COURT: Objection sustained.

26 Q BY MR. MARTIN: Did the white male stand still; or,  
27 what did he do?

28 A He was walking, coming from the car, walking towards

1 the front of the store.

2 Q And where were you?

3 A Coming in right behind him.

4 Q Where was Stanley Williams?

5 A Coming from right behind me.

6 Q Where was Tony Sims?

7 A He was already in the store.

8 Q Where was Darryl?

9 A He was in the back of the counter taking the money  
10 out the cash register.

11 Q Okay. Did you see anybody else in the store? -- any  
12 customers?

13 A No.

14 Q After you got in the store, was that before the  
15 white male, the clerk? or afterwards?

16 A Afterwards.

17 Q What about Stanley Williams? Who was in first,  
18 you or Stanley?

19 A I was.

20 Q And did Stanley follow you?

21 A Yes. He was right behind me.

22 Q When you got into the store, where was Tony Sims?

23 A Standing in front of the counter.

24 Q Showing you what has been previously marked as  
25 People's 61, would you first look at this diagram and where  
26 it says "Cash register and counter", and there is a fountain  
27 here; when you say "counter", what are you referring to?

28 A In front of the cash register.

1 Q Which one? -- the one with the circle? or the one  
2 up here?

3 A The one up here.

4 Q Showing you what has been marked People's 54, would  
5 you look at that and People's 13?

6 Now, do you see the cash register, the two cash  
7 registers here on People's 54?

8 A Yes.

9 Q And how many cash registers -- it looks like you can  
10 only see one in People's 13; is that right?

11 A Yes.

12 Q Okay. Now, you said you saw Darryl taking money  
13 from a cash register.

14 Do you recall which one?

15 A I think it was the second one.

16 MR. BROADY: Your Honor, I can't hear this witness. He's  
17 talking to Mr. Martin, not the Court.

18 THE WITNESS: The second one.

19 MR. BROADY: Thank you.

20 Q BY MR. MARTIN: You say you think. In other words,  
21 you're not sure?

22 A No.

23 Q Okay. What was Tony Sims doing?

24 A Standing in the front.

25 Q Okay. At any time after you stopped at this market,  
26 did you see the revolver?

27 A No.

28 Q Okay. Then where did the clerk Owens go?

1 A He walked straight to the back room.

2 Q Okay. Where were you as he was walking to the back  
3 room?

4 Is this what you're referring to, in the diagram  
5 here, to where the monitor is and where the body is shown on  
6 the ground?

7 A Yes.

8 Q Is that what you're referring to as the back room?

9 A Yes.

10 Q Okay. As he walked to the back room from the front  
11 door, where were you?

12 A On his left side.

13 Q On his left side?

14 Where was Stanley Williams?

15 A On his right side.

16 Q Okay. Now, at this time you could not see Tony Sims;  
17 is that right?

18 A I was walking right by him.

19 Q You were walking right by him?

20 Where was he?

21 A Standing in front of the cash register.

22 Q Okay. One of these cash registers?

23 A Yeah; one of them.

24 Q And where was Darryl?

25 A He was behind the counter.

26 Q When you say "the counter", you mean in this area  
27 back here?

28 A Yes.

1 Q Where we have "D" and a "2" and a line, and another  
2 "2"?

3 A Yes.

4 Q Okay. When they got here, did anybody say anything  
5 to Mr. Owens?

6 A Yes. Stanley did.

7 Q What did he say?

8 A Told him -- He said, "Lay down, Motherfucker"

9 Q Okay. Did Albert Owens lay down?

10 A Yes.

11 Q What was the next thing that you heard?

12 A I heard the shot.

13 Q Okay. Have you seen this gun?

14 Have you seen it pumped? -- People's 8.

15 A Yes.

16 Q Have you heard the sound it makes when it's being  
17 pumped?

18 A Yes.

19 Q Before you heard that shot, did you hear any such  
20 sound?

21 A Yes; I did.

22 Q Did -- Before the gun was pumped, or when it was  
23 being pumped, did you see the shotgun?

24 A I saw parts of it.

25 Q Okay. Who had the shotgun?

26 A Stanley Williams.

27 Q After it was jacked, or pumped, what was the next  
28 thing that happened?

1 A It was fired.

2 Q Okay. How many shots?

3 A One.

4 Q Did you hear any noise after that shot?

5 A I heard some glass breaking.

6 Q Okay. And then did you hear it pumped again?

7 A Yes; two more times.

8 Q And were they followed each time by a shot?

9 A Yes.

10 Q How far apart were those shots, approximately?

11 You can make the sound, if you will, of "bangs".

12 A They were right after each other.

13 Q Bang-bang-bang? Or, how would it go?

14 A Bang; then two bangs.

15 Q All in succession?

16 A Yes.

17 Q What did you do after you heard those shots?

18 A Turned around, and -- After I heard the first shot,

19 I was turning around. Then I heard two more shots, and I was

20 walking out of the back room.

21 Q As you started to walk out, where was Tony Sims?

22 A When I came out -- when I was coming out the door,

23 he was walking away from the cash register, from the front of

24 the cash register.

25 Q What direction?

26 A Towards the front door.

27 Q What about Darryl? What was he doing?

28 A He was coming from around the back of the --



1 Q Counter?

2 A Counter; yeah.

3 Q Walking toward the front door?

4 A Yes.

5 Q Who got out the front door first?

6 A Tony did.

7 Q Okay. Who was second?

8 A Darryl.

9 Q Who was third?

10 A I was.

11 Q And, then, who was last?

12 A Stanley Williams.

13 Q And did you walk right to your car?

14 A Yes.

15 Q When you got there, was Tony Sims there?

16 A Yes.

17 Q Did you see Darryl and Stanley Williams return to  
18 the station wagon?

19 A Darryl was walking -- When I got to my car, Darryl  
20 was already at the station wagon, and Stanley Williams was still  
21 in the store.

22 Q When you had your car parked there, were the lights  
23 on? or off?

24 A Off.

25 Q What about the station wagon? Were those lights on?  
26 or off?

27 A Off.

28 Q Were the lights on within the 7-Eleven?

1 A Yes; they were on.

2 Q Which car left the parking lot area first?

3 A My car.

4 Q Did you return to the Whittier Boulevard?

5 A Yes.

6 Q And did you go towards -- back towards the freeway?

7 A Yes.

8 Q And did you get back on the freeway?

9 A Yes.

10 Q Going the same way? -- south?

11 A We were going back towards Los Angeles.

12 Q Okay. What about the station wagon? Did it follow

13 you?

14 A Yes.

15 Q And, showing you Whittier Boulevard here, and the

16 7-Eleven, did you make that circle?

17 A Yes. We came onto the freeway.

18 Q Made a circle?

19 A Came back on round.

20 Q All right. Now, when you got onto the freeway,

21 where was the station wagon?

22 A It pulled -- When I got on the freeway, it was

23 behind me, and then it pulled up in front of me, to left-hand

24 side.

25 Q Okay. Did any conversation occur at that point?

26 A I don't remember.

27 Q Okay. Now, as you were driving down the 605 Freeway,

28 did you see any police cars?

1 A No.

2 Q After the station wagon pulled up next to you, did it  
3 go ahead of you? or stay behind you?

4 A Pulled ahead of --

5 Q Okay. Did Stanley Williams at the time he pulled  
6 up next to you, did he still have on his big coat?

7 A Yes.

8 Q Did he continue to wear that coat?

9 A (Affirmative nod.)

10 Q Yes?

11 A Yes.

12 Q Did there come a time when he took that coat off?

13 A Yes; there was.

14 Q Where did that happen?

15 A After we left the gas station.

16 Q Are you sure?

17 A I'm not positive.

18 Q Okay; now, do you remember testifying at another  
19 occasion, the trial of Stanley Williams?

20 A Yes.

21 Q And do you recall at that time your saying that you  
22 saw a CHP officer on the 605 Freeway?

23 A Yes.

24 Q Now, before -- That's on the 605 Freeway. Before  
25 you saw -- after you saw the CHP officer, what did Stanley  
26 Williams do?

27 A He took his coat off and threw it out the window.

28 Q That's the big long coat?

1 A Yes.

2 Q Then did there come a time that you stopped for gas?

3 A Yes.

4 Q Showing you what has been marked People's 68 for  
5 Identification and People's 67, do you recognize the gas  
6 station shown in those photographs?

7 A Yes.

8 Q Is that the gas station you stopped at?

9 A Yes.

10 Q And showing you, particularly, People's 67, did you  
11 pull into that gas station?

12 A Yes.

13 Q Where did you put your car?

14 A Over here on this side.

15 Q When you say "over on this side" -- would you speak  
16 up, please -- you're referring to where the blue car is? --  
17 blue truck?

18 A Yes; on the left-hand side.

19 Q If I put a circle there and I put "C" for Coward --  
20 Now, what about the station wagon? Did it also pull  
21 in?

22 A Pulled in right here.

23 Q Right next to it?

24 A Yes.

25 Q I'll draw a square for that and put "W" for Williams.  
26 That's where the two cars were?

27 A Yes.

28 Q And did you get gas in your car?

1 A Yes.

2 Q Did you see any gas being put into the station wagon?

3 A Yes.

4 Q When the station wagon pulled in, who was in the  
5 station wagon?

6 A Darryl and Stanley Williams.

7 Q Who was in your car?

8 A Me and Tony Sims.

9 Q Where was Tony Sims sitting?

10 A On the passenger side.

11 Q Okay. Did you get out of the car at all in the gas  
12 station?

13 A Yes.

14 Q You did?

15 A Yes.

16 Q Did Tony?

17 A Yes.

18 Q What about the -- Darryl and Williams?

19 A Yeah; they got out.

20 Q Okay. Did you have any conversation with the  
21 defendant Tony Sims after you left the 7-Eleven and before you  
22 got to the gas station?

23 A Yes.

24 Q Okay. What did you say? or what did he say?

25 A He asked me did Stanley Williams shoot the guy.

26 Q And what did you say?

27 A I told him, "I don't know; I didn't look back."

28 Q Uh-huh. Did you, in fact, know at this time; or,

1 were you just --

2 How would you describe that? Had you drawn any  
3 conclusion about whether he was shot, or not?

4 A Yeah; I guess I did.

5 Q What was that?

6 A That he was shot.

7 Q Did you have any other further conversation with  
8 defendant Sims?

9 A Yes; but I don't remember exactly what it was.

10 Q Who paid for the gas?

11 A Darryl.

12 Q Did he pay for your gas, too?

13 A Yes.

14 Q Was there any conversation about the money and who  
15 was to pay?

16 A I think -- Tookie said Darryl would take care of it.

17 Q How long were you at the gas station?

18 A Maybe five or ten minutes.

19 Q Then did there come a time when both cars left the  
20 gas station?

21 A Yes.

22 Q Were you returning now to Los Angeles?

23 A Yes.

24 Q Did you go back on the Santa Ana Freeway?

25 A Yes.

26 Q Sometime on the Santa Ana Freeway, did you see the  
27 shotgun?

28 A Yes.

1 Q How did that happen?

2 A Stanley Williams stuck it out the window and fired  
3 it.

4 Q At any time did the cars come close together, the  
5 station wagon and your Cadillac?

6 A Not too long after he fired the shotgun.

7 Q And was the station wagon on your right, or  
8 passenger side; or, on the driver's side?

9 A It was on the driver's side of my car.

10 Q What, if anything, was said at this time?

11 A I asked Stanley Williams why he was shooting the  
12 gun.

13 Q What did he say?

14 A He said he wanted to see if it still worked.

15 Q Okay. Then did you continue on the Santa Ana  
16 Freeway until you returned somewhere in the vicinity of South  
17 Central Los Angeles?

18 A Yes.

19 Q Where, in fact, did you go when you returned?

20 A Went back on the Harbor Freeway and got off on  
21 Slauson.

22 Q And then from Slauson, where did you go?

23 A Over Tony Sims' house.

24 Q And approximately where is that?

25 A On 59th and Hoover.

26 Q When you got to Tony Sims' house, did you bring your  
27 car to a stop?

28 A Yes.

1 Q What about the station wagon?  
2 A Came to a stop.  
3 Q Tony Sims still in your car?  
4 A Yes.  
5 Q Did you get out of the car?  
6 A Yes.  
7 Q Did Sims get out of the car, also?  
8 A Yes.  
9 Q What about Darryl and Williams? Did they get out of  
10 the station wagon?  
11 A I don't think Darryl got out. Stanley Williams got  
12 out.  
13 Q Okay. Did the three of you then have a conversation?  
14 A Stanley Williams and Tony were talking.  
15 Q Okay. What were they talking about?  
16 A Money.  
17 Q What did Tony Sims say about money?  
18 A I heard him ask Tookie was that all he was giving  
19 him.  
20 Q And what did Tookie say?  
21 A He said something else to him, handed him something  
22 else.  
23 Q Did he hand him money?  
24 A I think it was money.  
25 Q About how much money?  
26 A I think \$10.  
27 Q Did Tony Sims say that he had already received some  
28 money?



1           A     Well, at first he said, "Is that all you're going  
2 to give me is \$3?"

3                     Then that's when Stanley Williams handed him some-  
4 thing else.

5           Q     Did he ask him for any more money?

6           A     I don't know.

7           Q     Was there any further conversation at this time?

8           A     Yes; there was further conversation about money.

9           Q     And who was talking?

10          A     Stanley Williams.

11          Q     And what did he say about money?

12          A     He said something about couldn't give any more out,  
13 because he had to get his car fixed, or something like that.

14          Had something pertaining to --

15          Q     How long did you stay at that location?

16          A     Not long.

17          Q     Then did there come a time when you left in your car?

18          A     Yes.

19          Q     Who was with you, if anybody?

20          A     Tony Sims.

21          Q     He was with you?

22          A     Yes.

23          Q     And which left first, the station wagon? or the  
24 other -- your car?

25          A     We left about the same time.

26          Q     Where did you go?

27          A     Back on 111th Street.

28          Q     And which car was in front?

1 A Station wagon.

2 Q Did you follow the station wagon?

3 A Yes.

4 Q What happened when you got to 111th Street?

5 A Tookie got out the car and went to somebody's house.

6 Q Did Tony talk with you?

7 A Yes.

8 Q What did he say?

9 A He said he wanted to get him something to smoke.

10 Q What did you say?

11 A Well, he said he wanted something to smoke, and

12 would I drop him off, because he had something to do.

13 Q Okay.

14 A I told him okay.

15 Q Then did you go some place with defendant Sims?

16 A We stayed there for, maybe, three to five minutes.

17 Stanley Williams came back and went over Tony Sims' house.

18 Q Who went over to Tony Sims' house?

19 A Both cars.

20 Q Both cars.

21 And which one went first?

22 A I don't remember.

23 Q Okay. And was Stanley Williams and Darryl, were

24 they both in the station wagon?

25 A Yeah; they both in the station wagon.

26 Q Was Tony Sims in your car?

27 A Yes.

28 Q After you got to Tony Sims' house, what did you do?

1 A Got out the car.

2 Q And did Tony get out?

3 A Yes; he got out.

4 Q And did the -- Darryl and Stanley get out?

5 A I think they did.

6 Q Was there any conversation at this time?

7 A Stanley Williams was saying something about he had  
8 to fix his car.

9 Q Did Tony say anything?

10 A Yeah; he said something to Tookie, but I couldn't  
11 hear what they were saying.

12 MR. MARTIN: Your Honor, might this be a good time?

13 THE COURT: Yes; all right. At this time, we'll recess  
14 in this matter until tomorrow morning at 10:00 a. m.

15 Defendant, counsel, and the witness are ordered to  
16 return tomorrow at 10:00 a. m.

17 The Court is in recess. Thank you.

18  
19 (At 4:15 p. m., an adjournment was  
20 taken until Tuesday, April 14, 1981,  
21 at 10:00 a. m.)  
22  
23  
24  
25  
26  
27  
28

1 TORRANCE, CALIFORNIA: TUESDAY, APRIL 14, 1981; 10:26 A. M.

2 DEPARTMENT SOUTHWEST "K" HON. EDWARD A. HINZ, JR., JUDGE

3 (Appearances as heretofore noted.)

4  
5 THE COURT: People versus Sims. Let the record show  
6 defendant is present, represented by counsel; the People are  
7 represented by counsel.

8 Mr. Coward, would you please resume the stand.

9  
10 ALFRED COWARD,  
11 called as a witness by the People, having been previously sworn,  
12 resumed the stand and testified further as follows:

13 THE COURT: Bear in mind you're still under oath.

14 Would you state your name, please, for the record.

15 THE WITNESS: Alfred Coward.

16 THE COURT: Mr. Martin, you may resume direct examination.

17  
18 DIRECT EXAMINATION (Resumed)

19 BY MR. MARTIN:

20 Q Mr. Coward, showing you People's 8 for Identification,  
21 a shotgun, did you ever see that shotgun being loaded on either  
22 the evening of the 27th, or the morning of the 28th of February  
23 1979?

24 A Yes.

25 Q Where did you see it loaded?

26 A On Colden and Vermont.

27 Q And approximately what time in the evening was that?

28 A About eleven-thirty, twelve o'clock.

1 Q And who loaded the shotgun?

2 A Darryl.

3 Q Did you see the color of the shells?

4 A They were black, dark color.

5 Q Who was present at this time?

6 A Me, Stanley Williams, and Darryl.

7 Q Okay. Now, when was there any discussion on the  
8 morning of the 28th of February 1979 about getting some money?

9 MR. BROADY: This assumes a fact not in evidence. Object  
10 on this ground.

11 THE COURT: The objection is sustained.

12 Q BY MR. MARTIN: Did you -- Did anybody in your  
13 presence discuss anything about getting money on the morning  
14 of the 28th, 1979, of February?

15 A Yes. We all did.

16 Q Did any of those discussions take place in the  
17 presence of defendant Sims?

18 A Yes.

19 Q Where was that?

20 A By Sims' house.

21 Q And about what time in the evening -- or day or night  
22 was that?

23 A About twelve-thirty, twelve o'clock.

24 Q You're talking about midnight?

25 A Yes; about midnight.

26 Q In other words, midnight of the 27th and the 28th of  
27 February?

28 A Yeah.

1 Q And who was present?

2 A Me, Tony Sims, Stanley Williams, and Darryl.

3 Q What was said?

4 A I don't remember exactly what was said.

5 Q Well, did you say anything?

6 A Yes.

7 Q Did you say anything to Tony Sims?

8 A Yeah; I said something to Tony Sims.

9 Q What, basically, were you saying -- discussing?

10 A If he know any places in Pomona.

11 He said he was kind of familiar with it, because  
12 he knew somebody that lived out there.

13 Q Okay. Was there any further discussion on that same  
14 subject after that?

15 A I don't think so.

16 Q Did you have any money at home on the 27th of  
17 February, 1979?

18 A Yes; I did.

19 Q How much money did you have?

20 A About \$900.

21 Q What was that from?

22 A Sale of motorcycle.

23 Q Now, do you recall testifying yesterday about being  
24 on the San Gabriel 605 Freeway when you saw a police officer?

25 A Yes.

26 Q And was that after you left the 7-Eleven?

27 A Yes; it was.

28 Q And how did you know it was a police officer? What

1 did you see?

2 A Lights on the car, on top the car, flashing.

3 Q Was there any other cars stopped in that area?

4 A One.

5 Q Where was that car?

6 A In front of the police car.

7 Q What kind of police was it; do you know?

8 A Highway Patrol.

9 Q Could you see any uniformed police officer?

10 A Yes. I think he was leaning inside the car.

11 Q Now, did -- When you left the South Central Los  
12 Angeles area and went on the Harbor Freeway, did you know at  
13 that time that you were going out to rob?

14 A Yeah; there was some talk about it.

15 Q Was that talk in the presence of the defendant Sims?

16 A Yes; at one time.

17 MR. MARTIN: I have no further --

18 Just a moment, your Honor. One other question.

19 Q What was the reason that you followed the station  
20 wagon when you left the South Central Los Angeles area?

21 A Now, we were supposed to be going over to somebody's  
22 house.

23 Q But after you got on the freeway, why did you follow  
24 the station wagon?

25 A Because we were both together.

26 Q Okay. Was somebody leading, and somebody following?

27 A Yes.

28 Q Who was leading?

1 A Station wagon.

2 Q Was the defendant in your car?

3 A Yes.

4 Q Was he in your car all during the course of this  
5 evening?

6 A Yes.

7 MR. MARTIN: I have no further questions, your Honor.

8 THE COURT: Thank you.

9 Mr. Broady, you may cross-examine.

10

CROSS-EXAMINATION

11

12 BY MR. BROADY:

13 Q How long did you know Mr. Stanley Williams before  
14 the 28th of February, 1979?

15 A About ten years.

16 Q And how long did you know Mr. Sims before that date?

17 A About eight, seven.

18 Q To your knowledge was Mr. Sims and Williams friends?

19 A No.

20 Q They were not friends?

21 A Not to my knowledge.

22 Q Now, on the 28th of February, 1979, Mr. Williams  
23 came to your house; is that right?

24 A Yes.

25 Q And where were you living at that time?

26 A On Wilton and Century.

27 Q Was he with Darryl at the time that he came to your  
28 house?



1           A     Yes.   Darryl was outside.  He was the only one that  
2 came up and knocked on the door.

3           Q     And that's when he came in the station wagon?

4           A     Yes.

5           Q     Darryl was driving the car?

6           A     I don't know who was driving when they came around  
7 there.

8           Q     But Darryl was driving it later on?

9           A     Yeah.

10          Q     And wasn't there some talk then about going to  
11 Pomona?

12          A     Not right then.

13          Q     Was there some talk later on at your house before  
14 you saw Mr. Sims about going to Pomona?

15          A     I don't know if it was exactly at my house, but it  
16 was before we seen Mr. Sims.

17          Q     And it was your understanding that you and Darryl and  
18 Stanley Williams was going to Pomona to visit friends -- isn't  
19 that true? -- friends of Stanley Williams?

20          A     At first; yes.

21          Q     Now, when you left your house, where did you three  
22 go?

23          A     Couple different places.

24          Q     Where were the places?

25          A     97th and Normandy.

26          Q     Where else?

27          A     111th and Normandy, and Colton and Vermont.

28          Q     Then, after you went to those three places, you then

1     went to Sims' house?

2             A     Went back on 111th, then came back on 97th, then we  
3     went over to Mr. Sims' house.

4             Q     And you went to Sims' door; is that true?

5             A     Yes.

6             Q     You knew Mr. Sims?

7             A     Yes.

8             Q     To your knowledge -- strike that.

9                     Did you know Darryl before this date?

10            A     I had seen him one time.

11            Q     Did you ever go out with him?

12            A     No.

13            Q     He was more or less an associate, or a person you'd  
14     only seen once on -- prior to this date?

15            A     Once or twice.

16            Q     Now, before you got to Sims' house, you saw People's  
17     8; is that true, sir?

18            A     Yes.

19            Q     That's the shotgun here?

20            A     Yeah.

21            Q     Before you got to Sims' house, you saw the handgun that  
22     Darryl had; is that right?

23            A     No.

24            Q     Did you ever see that handgun you told us about that  
25     evening?

26            A     Yes.

27            Q     Where were you at the time you saw it?

28            A     On 111th.

1 Q And what?

2 A Normandy.

3 Q Is that the time that Mr. Williams went to get a gun?

4 A Yeah.

5 Q Then were you with him at that time?

6 A No; I didn't go up to the door with him; no.

7 Q Did you see Williams come out with the gun?

8 A Yes. He had it in his hand.

9 Q When he was emerging from the door at 111th and

10 Normandy?

11 A No. He came through the alley, came on the side

12 street.

13 Q Well, what do you mean he came through an alley?

14 He walked through an alley?

15 A Yeah.

16 Q Went back to the station wagon?

17 A Yeah.

18 Q That's before you picked up Sims?

19 A No. That was after.

20 Q Where were you at the time you saw the handgun?

21 A In the alley.

22 Q Were you in the car? or just walking?

23 A No; I was standing outside the car.

24 Q Where was Sims at that time?

25 A He was standing outside the car.

26 Q And that gun was in the possession of Mr. Williams;

27 right?

28 A Yes.

1 Q And then it went into the station wagon with Williams?  
2 A He gave it to Darryl.  
3 Q You saw him do this?  
4 A Yeah.  
5 Q After leaving the place where you saw the handgun  
6 given to Darryl, did you then go by way of the freeways and  
7 end up in the Pomona area?  
8 A Yes.  
9 Q And at that time, Mr. Williams still indicated he  
10 wanted to go to some friends' house in Pomona; is that true?  
11 A No. He said he needed some money for some gas.  
12 Q And where did this conversation take place?  
13 A On the street. I don't know exactly what street it  
14 was.  
15 Q Were the cars moving at this time?  
16 A Yes.  
17 Q And Mr. Williams was talking from the car he was in?  
18 A Yes.  
19 Q And to the car you were in?  
20 A Yes.  
21 Q There was no talk about a robbery at this time, then;  
22 was there?  
23 A No; just said he needed some money for some gas.  
24 Q So you proceeded out to the Pomona area; is that  
25 right?  
26 A Yes.  
27 Q What freeways did you go by, sir?  
28 A Harbor and --

1 Q To where?

2 A To the Pomona, then to the 605.

3 Q Now, you had cash with you; is that true? \$900?

4 A No.

5 Q You had some at your home?

6 A Yeah.

7 Q You had that much in cash?

8 A Yeah.

9 Q And what was your reason for going out to these

10 areas?

11 A We was going over to some friends of Mr. Williams.

12 Q Your idea, you were going to a friend of Mr. Williams?

13 A Yes.

14 Q You went to the Stop-and-Go Market in the Whittier

15 area; do you recall that?

16 A Yes.

17 Q And Mr. Sims was in your car at the time; is that

18 right?

19 A Yeah.

20 Q You left your car and went inside with Darryl; is

21 that true?

22 A Did I go inside with Darryl? No.

23 Q Mr. Sims did?

24 A Yeah.

25 Q And you were in your car?

26 A Yeah.

27 Q How long was he in the car -- in the market? Mr. Sims.

28 A Maybe three to five minutes, not long.

1 Q Before he went in that market, was anything said about  
2 buying some cigarettes?

3 A Yes.

4 Q Who said that?

5 A I don't remember.

6 Q Well, did Sims talk to you about buying cigarettes?

7 A I don't remember. Somebody said something.

8 Q Did you talk to some of the other persons out there  
9 before Mr. Sims went inside the market?

10 A No. When they were on the way in, I was talking to  
11 Mr. Williams.

12 Q When they were on the way in?

13 A Uh-huh.

14 Q You were talking to Tookie -- Stanley Williams?

15 A Well, he was pointing something out in the store.

16 Q Who was pointing something out in the store?

17 A Mr. Williams.

18 Q Where were you at this time?

19 A I was sitting in my car.

20 Q Williams came to your car?

21 A No. He was still sitting in his car, in the station  
22 wagon.

23 Q And he was pointing to something in the store?

24 A Yes.

25 Q Was there any talk about cigarettes before Mr. Sims  
26 left your car?

27 A Yes.

28 Q And he said he's going to buy some cigarettes; is

1 that right?

2 A I don't remember. Somebody said something about some  
3 cigarettes, because everybody smoked.

4 Q Was anybody near your car other than Mr. Sims before  
5 you left the car?

6 A Before he left my car?

7 Q Yes.

8 A No. Nobody came over to my car.

9 Q Three or five minutes later, Mr. Sims came back; is  
10 that right?

11 A Yes.

12 Q Did he say anything to Mr. Williams, to your know-  
13 ledge, in your presence when he came back?

14 A Not as soon as he came back.

15 Q Well, sometime later?

16 A Yes.

17 Q Where was the car that Mr. Williams was in at this  
18 time when he said whatever he said?

19 A We were driving down the street.

20 Q And, I believe, you said the cars were side by side;  
21 is that true?

22 A Yes.

23 Q Was the Williams' car on your left? or on your right  
24 of your car?

25 A I don't remember exactly.

26 Q You can't remember?

27 A No.

28 Q Do you remember what was said?

1           A     Mr. Williams asked Tony what happened when they went  
2 in the store.

3           Q     You heard this? or you remember this?

4           A     Yes.

5           Q     What did Tony say?

6           A     He said Darryl pulled the gun out.

7           Q     Are you sure about that?

8           A     Yes.

9           Q     Now, you remember testifying at the preliminary  
10 hearing in the Inglewood court on this case?

11          A     Yes.

12          Q     Back in April of 1979?

13          A     Yes.

14          Q     Were the events fresher in your mind in April '79  
15 than they are today?

16          A     Yes; they were.

17          Q     Did Mr. Sims say anything to you when he got back in  
18 your car after leaving the Stop-and-Go?

19          A     I don't remember.

20          Q     You think it might refresh your recollection if you  
21 look at the questions and answers that were asked of you back  
22 in April 1979?

23          A     It might.

24          Q     Referring to page 189, line 8 and line 9; would you  
25 read that to yourself -- of the preliminary transcript.

26                   (Witness complies.)

27          Q     Have you read that, Mr. Coward?

28          A     Yeah.



1 Q Has your memory been refreshed whether or not Mr. Sims  
2 said anything to you after you got to the Stop-and-Go Market?

3 A No.

4 Q Well, did you ask Mr. Sims after you left what  
5 happened?

6 A No.

7 Q Well, did he say something to the effect he doesn't  
8 know what happened?

9 A Yes; he did.

10 A And did he also say that Darryl pulled a gun out?

11 A No.

12 MR. BROADY: Stipulate, counsel, that these questions  
13 were asked and that was the answer?

14 (Reading:)

15 "A I asked him what happened --"

16 MR. MARTIN: No; I will not stipulate, your Honor, be-  
17 cause I don't know whether it's a true and accurate copy. The  
18 witness says he didn't say that.

19 THE COURT: Read it into the record, the question and  
20 answer you referred to.

21 This is 189?

22 MR. BROADY: Through line 10.

23 (Reading:)

24 "A I asked him what happened, and  
25 he said that he doesn't know."

26 Line 10.

27 "Darryl then pulled a gun out."

28 MR. MARTIN: If I could, your Honor; the reason the

1 People will not stipulate is that that answer could easily be  
2 different with the way this witness speaks; and, if you just  
3 leave out one word, it would be as the witness testified to.

4 THE COURT: The record will so indicate.

5 Go ahead, Mr. Broady.

6 Q BY MR. BROADY: Now, when you got down to the  
7 7-Eleven store, I believe you told us you parked the car that  
8 you were driving on the side street; is that right, sir?

9 A No.

10 Q Is that right?

11 A No.

12 Q Did you go down a side street and park and talk for  
13 awhile and then turn around and come back to the 7-Eleven store?

14 A No.

15 (Off the record discussion.)

16 MR. BROADY: May I have 60 --

17 THE COURT: 2 is probably what you want.

18 MR. BROADY: 62; yes, your Honor.

19 (Off the record discussion.)

20 Q Do you recall seeing People's 62, a photograph, or  
21 an area photograph of the layout of the 7-Eleven store, sir,  
22 yesterday?

23 Do you recall seeing this yesterday?

24 A Yeah.

25 MR. BROADY: Speak up so everybody can hear you, please.

26 THE WITNESS: Yes.

27 Q Now -- I think Mr. Martin went across this -- but I  
28 believe you told us that the cars, the station wagon and your

1 car proceeded on this side street I'm pointing to now; is that  
2 right?

3 A Yes.

4 Q And then you turned around and came back and parked  
5 in the front of the parking lot here; is that true? -- one car  
6 in front, one car on the side; is that right?

7 A Yeah.

8 Q Well, when you're on this side street I'm pointing  
9 to now -- it appears to be above the establishment, the first  
10 street above it -- didn't you have a conversation out here  
11 with Mr. Sims and Mr. Williams?

12 A Mr. Williams.

13 Q Did Mr. Sims say anything about not going inside  
14 the store?

15 A He said he didn't want to go in.

16 Q All right. Now, where was he at that time when he  
17 said he did not want to go in? Where was the car at this  
18 time?

19 A Pulling out of that side street.

20 Q And were you pulling out of the street -- When you  
21 say the side street, do you mean the street on the side of the  
22 store here that I'm pointing to now?

23 A Yes. We were coming around, making a turn back on  
24 Whittier Boulevard.

25 Q To make a left turn on Whittier Boulevard?

26 A Yes.

27 Q That's where Mr. Sims said he did not want to go in?

28 A Somewhere in that area.

1 Q Then did he say these words on more than one occa-  
2 sion?

3 A Before he said that, he said he wasn't going in after  
4 we left the other store.

5 Q So after you left the Stop-and-Go, he said he was  
6 not going into another store; is that right?

7 A Yes.

8 Q And then you proceeded toward the 7-Eleven store; is  
9 that true?

10 A Yeah.

11 Q And on the way to the 7-Eleven store, he still  
12 continued saying he was not going in any of the stores; is  
13 that right?

14 A I remember him saying it once or twice.

15 Q And he appeared to be reluctant to go in these stores  
16 isn't that true?

17 A Not really, because he went in the first store, and  
18 he was the first or second person in the second store.

19 Q All right. Now, did he appear to be afraid, in your  
20 opinion?

21 A No; he just wasn't saying too much.

22 Q Well, was he kind of shaky?

23 A He just acted like he didn't want to be involved.

24 Q And didn't you say he said at one time he did not  
25 know why he was going in there, referring to the 7-Eleven store?

26 A Yeah; because he said he had some money.

27 Q Did he appear to be afraid of Williams?

28 A No; he just didn't say too much to Mr. Williams.

1 Q Were you afraid of Williams?

2 A No.

3 Q Why did you go inside these stores?

4 A I don't know.

5 Q Didn't you say that you didn't have much of a choice;  
6 isn't that true?

7 A I had choice, but I just went in.

8 Q Now, when you went inside the 7-Eleven store, you  
9 went in long after Sims got inside; isn't that true?

10 A Yes.

11 Q And when you went in, Mr. Owens, the man who got  
12 shot, was in front of you?

13 A Yes.

14 Q Did you see Mr. Sims at the counter when you went  
15 inside?

16 A Yes.

17 Q And, again, referring to People's 61, you're familiar  
18 with this diagram; aren't you?

19 A Yes.

20 Q All right. Mr. Sims was in front of the counter  
21 near the cash register nearest the door?

22 A One of them. I don't know where they are.

23 Q You don't recall which one?

24 A No.

25 Q And the fellow that you called Darryl was behind the  
26 cash register; is that true?

27 A Yes.

28 Q When you walked in, was the register opened?

1 A Yes; it was open.

2 Q And you don't recall which one was open, though?

3 A No.

4 Q How long had Mr. Sims been inside that store before  
5 you got inside the store?

6 A Maybe two minutes.

7 Q That's your best estimate? -- about two minutes?

8 A Yeah.

9 Q And, I take it, you walked straight to the back room;  
10 is that right?

11 A Yeah.

12 Q On the way in, you didn't see a gun in the possession  
13 of Mr. Williams; did you?

14 A Not on the way in.

15 Q And you saw no gun in the possession of Darryl; did  
16 you?

17 A No.

18 Q Did Mr. Williams ever display a gun, to your know-  
19 ledge, to Mr. Owens on the way inside the store?

20 A Did he pull out on him?

21 Q Yes.

22 A No.

23 Q Were you in the back room when the gun came from under  
24 the coat?

25 A Yeah.

26 Q Did you see the gun removed from under the coat?

27 A I saw the barrel.

28 Q Was that the first time you saw that gun inside that

1 store -- or, at the vicinity of that store?

2 A Yeah.

3 Q Did you hear Sims say anything to Mr. Owens?

4 A No.

5 Q Did you hear Williams say anything to Mr. Owens on  
6 the way inside the store, while inside the store --

7 A Yeah; he told him just keep walking.

8 Q That's all you heard him say?

9 A Yeah.

10 Q Nothing more?

11 A No.

12 Q And you walked, too; is that right?

13 A Yeah.

14 Q You went in that back room, because Williams told  
15 you to; is that right?

16 A Yes.

17 Q And he was kind of commanding each and every indi-  
18 vidual in that place -- is that right? -- you, and Sims, and  
19 Darryl, and Owens?

20 A Well, there was only one thing said before we went  
21 in the store.

22 Q Did Mr. Williams tell you to go in the back room?

23 A Yes.

24 Q Did you see some money in the possession of Darryl  
25 as you were walking into the store?

26 A When I walked in the store, he was taking money out  
27 the cash register.

28 Q Was that folding money? -- paper money?

- 1 A Paper money.
- 2 Q And was Mr. Owens -- was he to your side? -- you said.
- 3 A He was to my right side.
- 4 Q Williams was on the other side?
- 5 A Yeah.
- 6 Q So all of you came in about the same time?
- 7 A Yes.
- 8 Q You, and Owens, and Williams?
- 9 A Yes.
- 10 Q Did you see Mr. Sims take any money --
- 11 A No.
- 12 Q -- out of the cash register?
- 13 A No.
- 14 Q Now, when you were in the back room where Mr. Owens
- 15 fell, how close were you to Mr. Williams at that time?
- 16 A Pretty close.
- 17 Q Within arms' reach?
- 18 A Yes.
- 19 Q And you heard Mr. Williams say these words about
- 20 "get on the floor", or something like that?
- 21 A Yes.
- 22 Q Was the gun out at that time, People's 8?
- 23 A No.
- 24 Q It came out later?
- 25 A Yes.
- 26 Q How much later after he said these words?
- 27 A A few seconds.
- 28 Q And you heard a shot?



1 A Yes.

2 Q Then you left?

3 A I was leaving.

4 Q Well, I mean you turned around to exit the back room;  
5 is that right?

6 A Yes.

7 Q And you heard two more shots?

8 A Yes.

9 Q Now, when you came out that back room where Mr. Owens  
10 was, did you pass up -- strike that -- did you go out the same  
11 door you went into?

12 A Yes.

13 Q And at that time you saw Mr. Sims outside; is that  
14 right?

15 A Right.

16 Q When you got outside?

17 A Yeah; when I got outside, I saw him outside.

18 Q When you were exiting the back room and went out  
19 the front door, when you got to that front door, you didn't see  
20 Sims at all on the inside?

21 A When I got to the front door?

22 Q Yes.

23 A Yes; he was outside.

24 Q And then Darryl came out; right?

25 A Darryl went out before I went out.

26 Q So Sims was out, Darryl came out, then you came out?

27 A Yes.

28 Q Then Williams came out?

1 A Williams came out last.

2 Q Sims got back in your car; right?

3 A No; I got in first.

4 Q Well, I mean he got in your car, though?

5 A Yes.

6 Q And you went some other place; true? Gas station?

7 A Yeah.

8 Q Sims was asking you did he shoot him; isn't that right?

9 A Yes.

10 Q And why did he shoot him, those kind of questions;  
11 right?

12 A Something like that.

13 Q He seemed startled because Tookie shot Mr. Owens;  
14 is that right?

15 A Yeah.

16 MR. BROADY: No further questions.

17 THE COURT: All right. Thank you.

18 Mr. Martin, anything further?

19 MR. MARTIN: Yes, your Honor.

20

21

REDIRECT EXAMINATION

22

BY MR. MARTIN:

23

24

25

26

Q Mr. Coward, when you answered to defense counsel  
that you thought you were going to a friend's house with  
Mr. Williams, is that all you thought you were going to do in  
Pomona?

27

A No.

28

Q Isn't it a fact that you knew when you left to get

1 on the Harbor Freeway that you were going to participate in a  
2 robbery?

3 A Yes.

4 Q Have you any doubt at all why Darryl and Sims went  
5 into the Stop-and-Go?

6 A No.

7 Q Why did they go in the Stop-and-Go?

8 MR. BROADY: Calls for a conclusion. Objection on this  
9 ground.

10 THE COURT: Objection sustained.

11 Q BY MR. MARTIN: Did you talk with defendant Sims  
12 before he went into the Stop-and-Go?

13 A I don't remember.

14 Q Was there any discussion at all before -- with  
15 defendant Sims before he went in the Stop-and-Go?

16 A Yeah; there was some talk.

17 Q What was that?

18 A I don't remember exactly what it was.

19 Q What was the general subject; if you remember.

20 A Stanley Williams had told him to go on with Darryl  
21 and check it out and see what was happening.

22 Q Now, when -- strike that.

23 Did Sims then get out of your car?

24 A Yes.

25 Q Who got into the Stop-and-Go first? -- Sims? or  
26 Darryl?

27 A They both went in at the same time.

28 Q Now, when they came back out, did defendant Sims

1 again come to your car?

2 A Yeah.

3 Q Was there a discussion about what went on in the  
4 Stop-and-Go?

5 A After we left the parking lot.

6 Q Okay. What did defendant Sims say?

7 A He said Darryl then pulled a gun out.

8 Q Before you got to the 7-Eleven, was there any dis-  
9 cussion with defendant Sims as to who was to go with whom into  
10 the 7-Eleven?

11 A Yes; there was some discussion.

12 Q What was said?

13 A Stanley Williams said that everybody was going in the  
14 store.

15 Q How did it come about that you went with Stanley  
16 Williams?

17 A Well, he said Darryl and Tony was going in first and  
18 me and him was going in last.

19 Q Did Sims say anything after Williams stated that?

20 A I don't think so.

21 MR. MARTIN: Okay. I have no further questions.

22 THE COURT: Anything further, Mr. Broady?

23

24

RE CROSS-EXAMINATION

25

BY MR. BROADY:

26

27

28

Q After you left the Stop-and-Go, on the way to the  
7-Eleven store, when was it that Sims said he did not want to go  
in, did not want to be involved in things of that nature?

1 A I don't remember exactly when it was.

2 Q Was that after Mr. Williams directed Mr. Sims and  
3 Darryl in first and you two in last?

4 A No; that was before then.

5 Q And can you tell us again how many times Mr. Sims  
6 uttered these words -- or, words to this effect, that he did  
7 not want to go in?

8 MR. MARTIN: Asked and answered, your Honor.

9 THE COURT: Objection overruled.

10 THE WITNESS: Maybe twice.

11 Q BY MR. BROADY: How long did it take you to drive from  
12 the Stop-and-Go to the 7-Eleven before the cars were parked in  
13 front of the 7-Eleven and to the side of the 7-Eleven?

14 A Less than ten minutes.

15 Q Is that your estimate? -- around ten minutes?

16 A Less than ten minutes.

17 Q Well, you say "less than". Was it between five and  
18 ten? or one and ten? or what?

19 A Between five and ten.

20 MR. BROADY: That's all I have.

21 THE COURT: Anything further?

22 MR. MARTIN: Nothing further.

23 THE COURT: Any objection to excusing this witness?

24 MR. MARTIN: I'd like this witness to stay about, if I  
25 can, your Honor.

26 THE COURT: All right. You may step down. You're to  
27 remain until excused by the Court. Thank you.

28 MR. MARTIN: May I have just a moment, your Honor?